IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

O R D E R

S.B.CRIMINAL MISC. PETITION NO. 502/05
(Dana Ram Sharma Vs. State of Rajasthan)

Date of Order : 11/12/2006

PRESENT

HON'BLE MR. JUSTICE H.R.PANWAR

Mr. B.M.Bhojak for the petitioner.
Mr. Ashok Upadhyay, public prosecutor for the State.

BY THE COURT:-

This criminal misc. petition under Section 482 Cr.P.C. is directed against the order dated 28.1.2005 passed by learned Sessions Judge, Churu (for short 'the revisional court' hereinafter) whereby the revision petition filed by the petitioner against the order dated 20.7.2004 passed by Judicial Magistrate, Churu (for short 'the trial court' hereinafter) was dismissed.

The trial court vide order dated 20.7.2004 declined to take cognizance of the offences under Sections 452, 147, 148, 149, 504 and 341 IPC and accepted the negative final report submitted by the police.

I have heard learned counsel for the parties.

Carefully gone through the orders passed by the trial court as well as the revisional court.

It is contended by learned counsel for the petitioner that the trial court as well as the revisional court both fell in error in not considering the material placed on record in right perspective and therefore, the order accepting the negative final report which has been affirmed by the revisional court, was contrary to the material on record.

It appears from the impugned order that the plot for which the petitioner complainant alleged trespass is subject matter of the civil suit. Parties have already filed civil suit and the matter was carried to this Court and this Court in civil matter passed the order of status-quo. However, learned counsel for the petitioner submitted a certified copy of the compromise entered into between the petitioner who was plaintiff before the Civil Judge, Senior Division, Churu in Case No. 7/03, and one Shankarlal and Santosh Kumar, wherein it is stated that the parties have compromised the matter and according to the compromise the petitioner agreed to pay the amount for the cost of the plot in installments and on making payment Shankarlal and Santosh Kumar will sell the plot in favour of the petitioner and till last installment of the payment is paid, the petitioner will remain in possession and if the plaintiff fails to pay the installments, then the compromise will not be effective. Be that

as it may, since the parties have compromised the matter in Civil Court and the rights of the parties have been determined, in my view, the trial court was justified in accepting the negative final report filed by the police as also dismissing the protest petition and the revisional court rightly did not interfere in the order of the trial court.

In this view of the matter, no case for interference in the inherent jurisdiction is made out. The petition has no force and it is therefore, dismissed.

(H.R.PANWAR),J.

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